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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELIZABETH CARLEY,

Plaintiff,

v.

JO GENTRY, et al.,

Defendants.

Case No. 2:17-cv-02670-MMD-VCF

JOINT STIPULATION AND ORDER
TO EXTEND THE JOINT PRETRIAL
ORDER DEADLINE FROM JUNE 27,
2022, TO AUGUST 29, 2022
(Third Request)

Plaintiff Elizabeth Carley, by and through counsel, Lisa. A. Rasmussen, and
Defendants, Sheryl Foster, Patrick Vejar, Jo Gentry, James Dzurenda, Charles Daniels,
Gabriela Najera, Tanya Hill, Dwight Neven, Cynthia Ruiz, and Kim Thomas, by and
through counsel, Aaron D. Ford, Nevada Attorney General, and Christopher M. Guy,
Deputy Attorney General, of the State of Nevada, Office of the Attorney General, hereby
submit a Joint Stipulation And Order To Extend The Joint Pretrial Order Deadline From
June 27, 2022, to Monday, August 29, 2022.

I. INTRODUCTION

The Parties hereby move to extend the Joint Pretrial Order deadline from June 27, 2022, to August 29, 2022 (63 days). Good cause exists in this case because the Parties have resumed settlement discussions and may be able to resolve this matter without further litigation. Additionally, both counsel for Plaintiff and Defendants assumed litigation responsibilities for this matter post summary judgment briefing. Plaintiff's counsel appeared in this matter as recent as January 25, 2022, for the purpose of a settlement conference.¹ ECF No. 163. The Parties agree that additional time is necessary to review the discovery records produced in this matter to submit a Joint Pretrial Order.

II. LAW AND ARGUMENT

A. Law

Federal Rule of Civil Procedure 6(b)(1)² provides:

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

FED. R. CIV. P. 6(b)(1).

The United States Supreme Court has recognized, “Rule 6(b) gives the court extensive flexibility to modify the fixed time periods found throughout the rules, whether the enlargement is sought before or after the actual termination of the allotted time.” *Lujan v. Nat’l Wildlife Fed.*, 497 U.S. 871, 906 n. 7 (1990) (internal quotation marks and citation omitted) (emphasis added); see also *Perez-Denison v. Kaiser Found. Health Plan of the Nw.*, 868 F. Supp. 2d 1065, 1079 (D. Or. 2012) (citing and quoting *Lujan*, 497

¹ This settlement conference was more akin to a global settlement conference as two of Plaintiff's cases were at issue: the other case being 2:17-cv-02346-MMD-CLB.

² LR IA 6-1(a): “A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted.” Further, a “stipulation or motion seeking to extend the time to file an opposition or reply to a motion, or to extend the time fixed for hearing a motion, must state in its opening paragraph the filing date of the subject motion or the date of the subject hearing.” LR IA 6-1(c).

1 U.S. at 906). Further, this rule, like all the Federal Rules of Civil Procedure, is to be
2 liberally construed to effectuate the general purpose of seeing that cases (and other
3 disputed issues) are decided on the merits. *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d
4 1253, 1258 (9th Cir. 2010). Regarding “Good cause,” it is a non-rigorous standard that has
5 been construed broadly across procedural and statutory contexts. *Id.* (citing several circuits
6 *Venegas–Hernandez v. Sonolux Records*, 370 F.3d 183, 187 (1st Cir.2004); *Thomas v.*
7 *Brennan*, 961 F.2d 612, 619 (7th Cir.1992); *Lolatchy v. Arthur Murray, Inc.*, 816 F.2d 951,
8 954 (4th Cir.1987)).

9 Consequently, requests for extensions of time made before the applicable deadline
10 has passed should “normally ... be granted in the absence of bad faith on the part of the
11 party seeking relief or prejudice to the adverse party.” *Ahanchian*, 624 F.3d at 1259
12 (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* §
13 1165 (3d ed. 2004)).

14 B. Agreement

15 On June 23, 2022, the Parties meet and conferred about the status of the case. The
16 Parties renewed settlement discussions as Plaintiff’s circumstances have changed now that
17 she resides in transitional housing. The Parties agreed that Plaintiff’s new circumstance
18 should be considered for settlement purposes and present new opportunities for settlement
19 that were not considered at the March 24, 2022, settlement conference. The Parties do not
20 act in bad faith. They are evaluating the issues and settlement possibility in good faith.

21 Additionally, the Parties seek additional time to work together to draft the Joint
22 Pretrial Order. The Parties are working together to determine what records were produced
23 prior to counsels’ appearances in this matter. The additional time is necessary to the
24 drafting and agreement to a joint order. Thus, the Parties request an extension of the Joint
25 Pretrial Order deadline of June 27, 2022, to August 29, 2022.

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III. CONCLUSION

For the foregoing reasons, the Parties request an extension of the Joint Pretrial Order deadline of June 27, 2022, to August 29, 2022.

<p>DATED this 24th day of June 2022</p> <p>By: <u>/s/ Lisa A. Rasmussen</u> LISA A. RASMUSSEN, Esq. Law Offices of Kristina Wildeveld & Associates 550 E. Charleston Blvd. Las Vegas, Nevada 89101 Attorneys for Plaintiff</p>	<p>DATED this 24th day of June 2022</p> <p>By: <u>/s/ Christopher M. Guy</u> CHRISTOPHER M. GUY Deputy Attorney General Office of the Nevada Attorney General 555 E. Washington Avenue, #3900 Las Vegas, Nevada 89101 Attorneys for Defendants</p>
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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE

DATE: 6-27-2022